

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Zoning Adjustment



Application No. 17755 of Mt. Lebanon Baptist Church, pursuant to 11 DCMR § 3104.1 for a special exception to establish a community service center under § 334¹, in the R-4 District at premises 225 Morgan Street, N.W. (Square 555, Lot 150).

Note: The Board determined that no variance relief was necessary under § 401.11. Therefore, this order addresses only the special exception relief approved by the Board. ✓

HEARING DATE: April 22, 2008
DECISION DATE: May 6, 2008

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 6C and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6C, which is automatically a party to this application. ANC 6C submitted a report in support of the application. The Office of Planning (OP) also submitted a report in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for a special exception under § 334. No parties appeared at the public hearing in opposition to this application. Accordingly a decision by the Board to grant this application would not be adverse to any party.

¹ The applicant initially sought an area variance from § 401.11. However, the Board concluded that this relief was not necessary. Section 401.11 imposes a minimum area requirement for apartment units when the number of units in an existing apartment house is increased. The Board determined that there were six units at the subject property and therefore, the number of units would not increase as a result of the project. As a result, the area requirements of § 401.11 are inapplicable and the relief is, therefore, not required.

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Application No. 17386 of the D.C. Department of Parks and Recreation, pursuant to 11 DCMR § 3104.1, for special exceptions to allow the percentage of lot occupancy to exceed 20% (§ 403.3), and public recreation and community center to exceed 40,000 square feet (§ 408.1), and pursuant 11 DCMR § 3103.2, for area variances to allow a height of building to exceed 45 feet (§ 400.14), from the requirement that one parking space be provided for each 2000 feet of gross floor area of building (§ 2101.1) and from the requirement that automobile parking spaces be a minimum of nine (9) feet in width and nineteen (19) feet in length (§ 2115.1) for a public recreation and community center in the D/R-5-B and R-5-B Districts at premises 2809 15th Street and 1480 Girard Street, N.W. (Square 2667, Lot 74).

Note: The case was originally advertised for special exception and area variance relief and, in the alternative, for use variance relief. The Board determined that the use variance was not necessary and eliminated the use variance request. ✓

HEARING DATE: October 11, 2005
DECISION DATE: October 11, 2005 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 1B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1B, which is automatically a party to this application. ANC 1B submitted a report in support of the application. The Office of Planning (OP) also submitted a report in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception relief under sections 403.3 and 408.1. No parties appeared at the public hearing in opposition to this application. Accordingly a decision by the Board to grant this application would not be adverse to any party.

441 4th St., N.W., Suite 210-S, Washington, D.C. 20001

Telephone: (202) 727-6311

E-Mail Address: zoning_info@dc.gov

Web Site: www.docz.dcgov.org

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Application No. 16690 of Elijah B. and W. Jean Rogers pursuant to 11 DCMR § 3104.1 for a special exception under subsection 223 to allow a rear addition to a single-family dwelling not complying with open court width (section 406) and lot occupancy (section 403) provisions, and for a variance pursuant to 11 DCMR § 3103.2 from the non-conforming structure provisions under subsection 2001.3 in an R-3 District at premises 4011 16th Street, N.W. (Square 2695, Lot 49).

NOTE: The Board amended the application at the public hearing to indicate that the variance under subsections 3103.2 and 2001.3 was not necessary, and corrected the premises address to read 4011 instead of 4016 16th Street, N.W. ✓

HEARING DATE: April 24, 2001

DECISION DATE: April 24, 2001 (Bench Decision)

SUMMARY ORDER

REVIEW BY ZONING ADMINISTRATOR

This application was accompanied by a memorandum from the Zoning Administrator certifying required relief.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to the Applicant, Advisory Neighborhood Commission (ANC) 4C, and to owners of all property within 200 feet of the property that is the subject of this application. The application was also referred to the Office of Planning (OP) for review and report.

The subject property is located within the jurisdiction of ANC 4C. ANC 4C, which is automatically a party to this application, did not take a position on the application and the OP did not submit a report.

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a special exception under 11 DCMR §§ 3104.1 and 223. No person or entity appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the Applicant has met the burden of proof, under 11 DCMR §§ 3104.1 and 223 that the requested relief will be in harmony

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Application No 17906 of Se Y. Jeong, pursuant to 11 DCMR § 3104.1, for a special exception to change a nonconforming use from a grocery store to a grocery store with delicatessen under sections 2002 and 2003, in the R-4 District at premises 321 T Street, N.E. (Square 3567, Lot 804).

HEARING DATE: April 14, 2009
DECISION DATE: April 14, 2009

DISMISSAL ORDER

On October 30, 2008, Mr. Endale Terefa filed an application with the Board of Zoning Adjustment ("BZA" or "Board") on behalf of, and with the permission of Mr. Se Y. Jeong, the owner of the property which is the subject of this application. Although Mr. Jeong owns the subject property, Mr. Terefa operates the grocery store for which the zoning relief was sought. Therefore, the term "Applicant" herein will refer to Mr. Terefa.

The self-certified application requested special exception relief to add the sale of prepared sandwiches, donuts, hot coffee, tea, and cooked hot dogs to a nonconforming grocery store use located in an R-4 zone district. The Board held a properly-noticed public hearing on the application on April 14, 2009, and, at the conclusion of the hearing, decided that zoning relief was not necessary and therefore, by a vote of 3-0-2, dismissed the case. The factual and legal bases for this decision follow.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. By memoranda dated November 4, 2008, the Office of Zoning ("OZ") gave notice of the filing of the application to the D.C. Office of Planning ("OP"), the D.C. Department of Transportation, the Council Member for Ward 5, Advisory Neighborhood Commission 5C ("ANC 5C"), and the Single Member District member for 5C05. Pursuant to 11 DCMR § 3113.13, OZ published notice of the hearing in the *D.C. Register* and sent such notice to the Applicant, ANC 5C, and all owners of property within 200 feet of the subject property.

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Application No. 16826 of City Gate, pursuant to 11 DCMR § 3104.1 for a special exception to permit church programs under section 216, and subsection 1553.2, in the SSH/R-1-B District at premises 5917 16th Street, N.W. (Square 2724, Lot 9).

Note: After the public hearing, the Board approved special exception relief under §§ 216 and 1553.2 to permit the property to be used for the proposed church programs.

HEARING DATES: February 12, 2002; February 19, 2002

DECISION DATES: April 2, 2002; May 7, 2002

DECISION AND ORDER

City Gate, a nonprofit faith-based organization, filed an application with the Board of Zoning Adjustment on November 23, 2001, pursuant to 11 DCMR § 3104.1 for special exceptions under 11 DCMR §§ 216 and 217 to use the premises at 5917 16th Street, N.W., for church programs and a nonprofit office. The property, Lot 9 in Square 2724, is located in an R-1-B Zone District, within the Sixteenth Street Heights (SSH) Overlay District.

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief. After review by the Office of Zoning and the Board, the application was amended to request relief under § 216, church programs in an R-1 District, and § 1553.2, new nonresidential use in the SSH Overlay District. Since the property is not a historic property, § 217, relating to nonprofit organization use of existing residential buildings, is not applicable. The Board also determined that relief from § 2101.1, the schedule of required parking spaces, is not necessary due to the grandfathering provisions of the zoning regulations. After the public hearing, the Board approved special exception relief under §§ 216 and 1553.2 to permit the property to be used for the proposed church programs.

PRELIMINARY AND PROCEDURAL MATTERS

Notice of Application and Notice of Public Hearing. By memoranda dated December 26, 2001, the Office of Zoning advised Advisory Neighborhood Commission (ANC) 4A, the

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Application No. 17459 of DC Hampton LLC, pursuant to 11 DCMR § 3103.2, for a variance from the residential recreation space requirements under section 773, to allow the construction of a 27 unit multiple dwelling in the Arts/C-3-A District at premises 1446-1454 Church Street, N.W. (Square 209, Lots 911 and 917).

NOTE: Upon advice from the Office of the Zoning Administrator, the Applicant amended the application to request variance relief from the parking requirement. However, the Applicant indicated its view that the relief was not necessary. The Board concurred that relief from subsection 2101.1 (Off-Street Parking Requirements) was unnecessary. ✓

HEARING DATE: May 2, 2006
DECISION DATE: June 6, 2006

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 2F, the Office of Planning (OP) and to owners of property within 200 feet of the site. The site of the application is located within the jurisdiction of ANC 2F. The ANC submitted a report recommending that the Board approve the residential recreation space relief and deny the off-street parking relief. The OP submitted a report recommending that the Board approve the residential recreation space relief and denial the off-street parking relief.

As directed by 11 DCMR § 3119.2, the Board required the applicant to satisfy the burden of proving the elements that are necessary to establish the case for a variance pursuant to 11 DCMR §§ 3103.2. No parties appeared at the public hearing in opposition to the variance from the residential recreation space requirements. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

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Application No. 15050, of Dr. and Mrs. Ivan Taylor, as amended, pursuant to 11 DCMR 3107.2, for a variance from the rear yard requirements (Sub-section 404.1), to construct an addition to a single-family dwelling in an R-1-B District at premises 3221 - 20th Street, N.E., (Square 4220, Lot 54).

HEARING DATE: May 10, 1989
DECISION DATE: May 10, 1989 (Bench Decision)

SUMMARY ORDER

At the public hearing, the Board determined that the original advertised variance from the allowable lot occupancy requirement of Sub-section 403.2 was not necessary and that the application complied with the lot occupancy requirements. ✓

The Board duly provided timely notice of the public hearing on this application, by publication in the D.C. Register, and by mail to ANC 5A and to owners of property within 200 feet of the site.

The site of the application is located in Advisory Neighborhood Commission ("ANC") 5A. ANC 5A, which is automatically a party to the application, submitted no written issues and concerns related to the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a variance from the strict application of the requirements of 11 DCMR 404.1. No person or entity appeared at the hearing or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3107, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and maps. It is therefore ORDERED that the application is GRANTED.